

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FERNANDO O McCULLOUGH
Plaintiff,

v

RUTHERFORD COUNTY ADULT
DETENTION CENTER
Defendant

No. **3 09 0168**
(No. 3:09-mc-0015)
Judge Campbell

MEMORANDUM

The plaintiff, proceeding *pro se*, is an inmate at the Rutherford County Adult Detention Center in Murfreesboro, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against the Detention Center, seeking injunctive relief and damages.


The plaintiff is currently making payments from his inmate trust account as reimbursement for a window that he vandalized at the Detention Center. He complains that officials there are intent on collecting too much money for the broken window and asks that the payments be stopped.

To establish a claim for § 1983 relief, the plaintiff must plead and prove that a person or persons, while acting under color of state law, deprived him of some right guaranteed by the Constitution or laws of the United States. Parratt v. Taylor, 451 U.S. 527, 535 (1981).

A county jail or workhouse is not a person that can be sued under 42 U.S.C. § 1983. Rhodes v. McDannel, 945 F.2d 117, 120 (6th Cir. 1991); Marbry v. Correctional Medical Service, No. 99-6706, 2000 U.S. App. LEXIS 28072 (6th Cir. 11/6/00). Of course, giving this *pro se* pleading a liberal construction, the Court could construe the complaint as an attempt to state a claim against

Rutherford County, the entity responsible for the operation of the Detention Center. However, for Rutherford County to be liable, the plaintiff would have to allege and prove that his constitutional rights were violated pursuant to a “policy statement, ordinance, regulation or decision officially adopted and promulgated” by the county. Monell v. Department of Social Services, 436 U.S. 658, 689-690 (1978). No such allegation appears in the complaint. Therefore, the plaintiff has failed to state a claim upon which relief can be granted. This action shall be dismissed for that reason. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.


Todd Campbell
United States District Judge